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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER	
PENG, FRED H	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/509,655	MA ET AL.	
	Examiner	Art Unit	
	FRED PENG	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/29/2004, 09/01/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman et al (US 6,018,768) in view of Wharton et al (US 5,831,664).

Regarding Claims 1, 26 and 51-53, Ullman discloses a system (FIG.2) with corresponding method for asynchronously accessing supplementary media content based on broadcast media content received from a broadcast signal for use with a device (element 16; Col 5 lines 39-45), comprising:

an input for receiving trigger information extracted from the broadcast media content (Col 5 lines 5-10; time stamp is a trigger information);

storing said supplementary media content from a disparate source of media content in a supplementary database (FIG.3, element 54; Col 3 lines 44-61; URL from internet is a disparate source; adding to a list is storing);

parsing and translating said stored supplementary media content into a format (Col 7 lines 45-52; parse and translates into Java format); and

accessing the supplementary media content based on the trigger information (Col 5 lines 5-10), wherein said accessing occurs asynchronously, without simultaneous connection to a source of the broadcast signal and the disparate source of media content during said accessing (Col 5 lines 11-12; Col 8 lines 33-36; user can selects from a list when to access a web page and suggests accessing occurs asynchronously without simultaneous connection to a source of the broadcast signal and the disparate source of media content).

Ullman discloses a PC device (160) but not specifically about using a handheld device.

In an analogous art, Wharton discloses the use of a personal digital assistant connected to a terminal for receiving supplemental information (Col 3 lines 24-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ullman's system to include a handheld device, as taught by Wharton to provide additional information to a user thereby increasing user interactivity.

Regarding Claims 2, 3, 4, 6, 27, 28, 29, and 31, Ullman discloses trigger information embedded in the VBI and extracting that information (Col3 lines 27-43), wherein the broadcast media content is received from the broadcast signal (figs. 1, 2).

Regarding Claims 5 and 30, Ullman is silent on communicating trigger information from the broadcasted signal to the handheld device.

Communicating trigger information to the handheld device is well known in the art.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ullman's system to communicate trigger information to a handheld device in order to permit the handheld device to respond to the trigger and present additional information to the user.

Regarding Claims 7 and 32, Ullman is silent on employing a communication capability of the handheld device to deliver the supplemental information to the consumer.

Wharton teaches displaying supplemental information to the consumer in order to navigate through the information.

Accordingly it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a communication capability of the handheld device to deliver supplemental information to the consumer as taught by Wharton in order to efficiently display additional and desirable information to the consumer.

Regarding Claims 8 and 33, Ullman is siient on obtaining media content prior to the delivery of the broadcast. Delivering data prior to use is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain the content prior to the delivery of the broadcast in order to reduce the display latency of the information.

Regarding Claims 9 and 34, Ullman is silent on memory in the handheld device, Wharton teaches a PDA, which inherently has memory.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use memory in the handheld device as taught by Wharton in order to store information usable for browsing.

Regarding Claims 10, 11, 35, and 36, Ullman teaches receiving information from a disparate source, such as the Internet (fig.2).

Regarding Claims 12, 13, 14, 37, 38, and 39, Ullman teaches a URL in a video signal, which identifies the supplemental broadcast and media content.

Regarding claims 15, 16, 40, and 41, Ullman teaches labels with reads on descriptive text and is inherently binary information (col. 6, l1.45-49).

Regarding Claims 17-19 and 42-44, Ullman is silent on an image, media, or software as the binary information.

Transmitting image, media, and software as the binary information is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit image, media, and software as the binary information in order to diversify the system and enhance the user interactivity.

Regarding Claims 20 and 45, Ullman teaches java but is silent the supplemental information as HTML. HTML is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display supplemental information using HTML in order to provide a standard for displaying information thereby providing a common interface across platforms.

Regarding Claims 21-23 and 46-48, Ullman teaches a link to information (Col 6, lines 45-49), but is silent on compressed and uncompressed information.

Using compressed and uncompressed data is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use uncompressed and compressed data in order to process information efficiently.

Regarding Claims 24, 25, 49, and 50, Ullman is silent on ongoing activities and user-defined categories.

Use of profile and demographic information is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use profile and demographic information in order to further identify useful information to the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Vivek Srivastava
Supervisory Patent Examiner

/Vivek Srivastava/
Supervisory Patent Examiner, Art Unit 2622